

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ISHAQ MAJEED,

Plaintiff,

v.

ATLANTA VETERAN AFFAIRS
MEDICAL CENTER; et al.,

Defendant.

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CIVIL ACTION

NO.

NOTICE OF REMOVAL OF CIVIL ACTION

The United States Department of Veterans Affairs, on behalf of its facility known as the Atlanta VA Medical Center, by and through counsel, hereby files this Notice of Removal of Civil Action, removing this case from the State Court of DeKalb County, Georgia, to this Court, and as grounds therefor states:

1. Plaintiff has filed suit seeking relief against a Department of Veterans Affairs facility known as the Atlanta VA Medical Center (VAMC) in the case prefaced and styled as *Ishaq Majeed v. Atlanta Veteran Affairs Medical Center, et al.*, Case No. 16A58882E1, a civil action filed in the State Court of DeKalb County, Georgia, on February 26, 2016. (Def. Ex. 1).

2. The Complaint indicates that plaintiff asserts tort claims against the defendants for alleged negligent medical treatment received at the VAMC from individuals alleged to be VAMC employees on February 28, 2014. *Id.*

3. Plaintiff filed a motion for entry of default judgment on September 30, 2016, and a copy of that motion was delivered to the Regional Counsel for the Department of Veterans Affairs on October 6, 2016. (Def. Ex. 2).

4. Plaintiff has not served the United States Attorney or the Department of Justice with the complaint or motion for default judgment in this tort action.

5. Tort claims against the United States for actions of its agencies and employees are subject to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671, *et seq.*

6. This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1).

WHEREFORE, the United States removes the case *Ishaq Majeed v. Atlanta Veteran Affairs Medical Center, et al.*, Case No. 16A58882E1, filed in the State Court of DeKalb County, Georgia, on February 26, 2016, to this Court for such further proceedings as may be appropriate. The United States has submitted with this Notice of Removal a proposed order that would constitute a Writ of Certiorari under 28 U.S.C. § 1447(b) directing the Clerk of the State Court of DeKalb

County, Georgia, to deliver forthwith to the Clerk of Court for the Northern District of Georgia a complete certified copy of the entire record in the State Court.

Respectfully submitted,

JOHN A. HORN
UNITED STATES ATTORNEY

s/ R. David Powell

R. David Powell
Assistant United States Attorney
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CERTIFICATE OF COMPLIANCE

I certify that the documents to which this certificate is attached have been prepared with one of the font and point selections approved by the Court in LR 5.1B for documents prepared by computer.

s/ R. David Powell

R. David Powell
Assistant U.S. Attorney
Georgia Bar No. 586450

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing

NOTICE OF REMOVAL

with the Clerk of Court using the CM/ECF system, and that I have served the document by United States Postal Service mail to the following non-CM/ECF participant[s]:

Mahdi Abdor-Rahman, Esq.
1230 Peachtree Street NE, Ste 3750
Atlanta, Georgia 30309

This 7th day of October 2016.

s/ R. David Powell

R. David Powell
Assistant U.S. Attorney
Georgia Bar No. 586450